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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

August 19, 2014

Boris Treyzon  
Vladimir Podlipsky  
TMC Capital, LLC  
9701 Wilshire Boulevard, Suite 1000  
Beverly Hills, CA 90212

Subject: Tentative Approval for Transfer of Notice of Intention, TMC Capital, LLC, TME Asphalt Ridge, LLC, M/047/0089, Uintah County, Utah

Dear Messrs. Treyzon and Podlipsky:

On August 7, 2014, the Division of Oil, Gas and Mining (Division) received an application to transfer the referenced Notice of Intention to Commence Large Mining Operations (NOI) for the TME Asphalt Ridge Mine from TME Asphalt Ridge, LLC to TMC Capital, LLC. The transfer is conditionally approved upon receipt of the items below:

- A signed Reclamation Contract (Form MR-RC) – attached.
- Reclamation surety in the amount of \$275,000. This amount was determined based on the existing disturbance at the mine site which has been calculated by Ames Construction Inc. to be 22 acres.

Note that the surety amount is for the existing disturbance only and that **no expansion of the current disturbance is allowed without the Division's approval.**

Please review the current NOI for this mine. The NOI will likely differ from the operations you are planning for your project. As such, the NOI will need to reflect any changes you intend to make in the operations. The surety bond will also have to be modified to reflect any modifications to the operation plan.

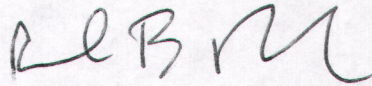
The Division will issue final approval after receiving the reclamation contract and reclamation surety. An updated NOI along with the surety calculation adjustments will then be due 60 days from the date of the final approval.



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To obtain the appropriate bond forms and post the required surety, please contact the bonding coordinator, Penny Berry at (801) 538-5291 or [pennyberry@utah.gov](mailto:pennyberry@utah.gov) . Please contact April Abate at 801-538-5214 or me at 801-538-5261 if you have questions regarding this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'P. Baker' with a stylized flourish at the end.

Paul Baker  
Minerals Program Manager

PBB:aa:pb

Encl/ Form MR-RC

cc: Christopher Ennes, Ames Construction [chrisennes@amesco.com](mailto:chrisennes@amesco.com) w/o Encl.

William Messerli, 100 South 5<sup>th</sup> Street, Ste. 1400, Minneapolis, MN 565402 w/o Encl.

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